

REMARKS

The above claim amendments are submitted with the following remarks to be fully responsive to the Office Action dated July 22, 2008. It is respectfully submitted that this response is timely filed within the three-month shortened statutory. Reconsideration of all outstanding grounds of objection and rejection and allowance of the subject application are respectfully requested.

Claims 23-32 were previously cancelled in the Preliminary Amendment dated February 23, 2004.

It is submitted that all outstanding grounds of objection and rejection are overcome by this response including the above claim amendments. The rejection as applied under 35 U.S.C. 112, second paragraph is overcome by the amendment to claim 17.

As to the prior art rejections of record, it is also submitted that currently pending claims 1-17 and 19-23 are allowable over the prior art of record for at least the following reasons.

The Swartz reference as has been applied under 35 U.S.C. 102(b) to each of independent claims 1, 8, 9, and 16. The device of the Swartz reference is an introducer with a specifically designed tip portion that accommodates delivery of instruments to locations within a heart, wherein the first portion of the introducer is a conventional introducer for a catheter that is provided along a blood vessel to the heart. Such an introducer is advanced within the lumen of the blood vessel from an incision point typically in the femoral artery. In any case, the introducer is not utilized as provided through a coronary vessel (as such coronaries run along the heart to provide blood to heart tissue) and does not extend into and out of any blood vessel through openings of the vessel wall and/or through an opening of a heart wall into a heart chamber. Moreover, the Swartz reference is deficient in disclosing any conduit as provided for delivery to provide a fluid communication between a heart chamber and a coronary vessel. The references to Cope et al and Lau et al are likewise deficient as to these claimed aspects and provide no way to modify the device of Swartz as claimed in any one of independent claims 1, 8, 9, and 16. Accordingly, it is submitted that all presently pending claims are patentable over the Swartz reference alone or in any attempted combination with the Cope et al and/or the Lau et al references.

Accordingly, it is submitted that presently pending claims 1-17 and 19-23 are currently in condition for allowance, a notice of which is earnestly solicited. If the Examiner finds any issue remaining after consideration of this response, the Examiner is invited to contact the undersigned, at the Examiner's convenience, in order to expedite any remaining prosecution.

Dated: July 1, 2009

By:

Respectfully Submitted,



Mark W. Binder, Reg. No. 32,642

Customer Number 33072

Phone: 651-275-9805

Facsimile: (651) 351-2954

MWB/50484